

**COLIN M. RUBICH**  
Assistant U.S. Attorney  
U.S. Attorney's Office  
2601 Second Ave. N., Ste. 3200  
Billings, MT 59101  
Phone: (406) 247-4684  
Fax: (406) 657-6989  
E-mail: Colin.Rubich@usdoj.gov

**FILED**

APR 19 2018

Clerk, U S District Court  
District Of Montana  
Billings

**ATTORNEY FOR PLAINTIFF  
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**ANTONIO FRANCISCO  
GUTIERREZ, and CHRISTOPHER  
ALAN ESREY,**

**Defendants.**

**CR 18-<sup>50</sup> -BLG-<sup>SPW</sup>**

**INDICTMENT**

**CONSPIRACY TO COMMIT ROBBERY  
AFFECTING COMMERCE**

**(Count I)**

**Title 18 U.S.C. § 1951(a)**

**(Penalty: 20 years imprisonment, \$250,000  
fine, and three years supervised release)**

**ROBBERY AFFECTING COMMERCE  
(Count II)**

**Title 18 U.S.C. §§ 1951(a) and 2**

**(Penalty: 20 years imprisonment, \$250,000  
fine, and three years supervised release)**

	<b>POSSESSION OF A FIREARM IN FURTHERANCE OF A CRIME OF VIOLENCE (Count III) Title 18 U.S.C. § 924(c)(1)(A) (Penalty for possession: Mandatory minimum five years to life imprisonment, consecutive to any other sentence, \$250,000 fine, and five years supervised release) (Penalty for brandishing: Mandatory minimum seven years to life imprisonment, consecutive to any other sentence, \$250,000 fine, and five years supervised release)</b>  <b>FELON IN POSSESSION OF A FIREARM (Count IV) Title 18 U.S.C. § 922(g)(1) (Penalty: Ten years imprisonment, \$250,000 fine, and three years supervised release)</b>
--	---

**THE GRAND JURY CHARGES:**

**COUNT I**

On or about February 5, 2018, at Billings and within Yellowstone County, in the State and District of Montana, the defendants, ANTONIO FRANCISCO GUTIERREZ and CHRISTOPHER ALAN ESREY, knowingly and unlawfully conspired and agreed with each other to commit, in violation of 18 U.S.C. § 1951(b)(1), the offense of robbery affecting commerce, in violation of 18 U.S.C. § 1951(a).

**COUNT II**

On or about February 5, 2018, at Billings and within Yellowstone County, in

the State and District of Montana, the defendants, ANTONIO FRANCISCO GUTIERREZ and CHRISTOPHER ALAN ESREY, knowingly used actual and threatened force to unlawfully take money from the person and presence of an employee then working at Dotty's Casino, a business engaged in interstate commerce, thereby obstructing, delaying, and otherwise affecting commerce, and aided and abetted the same, in violation of 18 U.S.C. §§ 1951(a) and 2.

### COUNT III

On or about February 5, 2018, at Billings and within Yellowstone County, in the State and District of Montana, the defendant, ANTONIO FRANCISCO GUTIERREZ, knowingly possessed a firearm in furtherance of a crime of violence that may be prosecuted in a court of the United States, namely robbery affecting commerce as charged in count II of this indictment, in violation of 18 U.S.C. § 924(c)(1)(A).

The Grand Jury finds the firearm was brandished.

### COUNT IV

On or about February 5, 2018, at Billings and within Yellowstone County, in the State and District of Montana, the defendant, ANTONIO FRANCISCO GUTIERREZ, having been convicted on or about July 31, 2000, of a crime punishable by imprisonment for a term exceeding one year under the laws of the State of Idaho, knowingly possessed, in and affecting interstate commerce, a

firearm, that is a Springfield Armory, model XD-45, .45 ACP caliber semi-automatic pistol (S/N XD694784), in violation of 18 U.S.C. § 922(g)(1).

A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.

FOREPERSON

  
KURT G. ALME  
United States Attorney

  
JOSEPH E. THAGGARD  
Criminal Chief Assistant U.S. Attorney

Crim. Summons \_\_\_\_\_

Warrant: X - both

Bail: \_\_\_\_\_